

ASSEMBLY BILL

No. 187

**Introduced by Assembly Member Mountjoy
(Principal coauthor: Assembly Member Bogh)**

(Coauthors: Assembly Members Aghazarian, Benoit, Blakeslee, Cogdill, Daucher, DeVore, Emmerson, Frommer, Garcia, Harman, Haynes, Shirley Horton, Huff, Keene, La Malfa, Leslie, Maze, McCarthy, Plescia, Richman, Sharon Runner, Strickland, Tran, Villines, Walters, and Wyland)

January 25, 2005

An act to amend, repeal, and add Sections 3307 and 3311 of the Elections Code, relating to overseas voters.

LEGISLATIVE COUNSEL'S DIGEST

AB 187, as introduced, Mountjoy. Overseas military voting.

Existing law permits a citizen residing outside of the United States to register to vote, apply for, and cast, an absent voter ballot in a federal election if that person was domiciled in California immediately prior to his or her departure from the United States.

Existing law requires that absentee ballots cast pursuant to these procedures be received by the county elections official not later than 8 p.m. on the day of a federal election.

This bill would extend the time period for the receipt of absentee ballots of active military personnel stationed overseas that are postmarked or signed and dated by the day of a federal election to not later than 10 days after the election. This bill would require that the identification envelopes for all overseas absentee ballots be plainly marked as such and contain a declaration, under penalty of perjury, by the voter stating that he or she completed the ballot on or before the day of the election.

This bill would provide that its provisions shall become operative on January 1, 2006.

This bill, by adding to the duties of county elections officials, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3307 of the Elections Code is amended
2 to read:

3 3307. (a) As soon as possible after the 60th day before the
4 federal election, the county elections official shall mail or deliver
5 a ballot to each person who has requested registration as an
6 overseas voter since the last regularly scheduled federal election.

7 (b) *If the overseas voter has not correctly completed and*
8 *returned a federal application for an absentee ballot or a special*
9 *affidavit of registration as an overseas voter since the last*
10 *regularly scheduled federal election the elections official shall*
11 *enclose an affidavit with the ballot.*

12 (c) The overseas voter shall be informed of the following:

13 (1) That the affidavit must be correctly completed and
14 returned with the ballot in order for the vote to be tallied.

15 (2) That the voter's registration ~~is valid, that the voter has~~
16 ~~permanent absentee voter status~~ *will be valid through the next*
17 *general election*, and that the ballots for ~~future~~ *these* elections
18 will be sent to the voter at the mailing address provided by the
19 voter, *but that following the general election, the voter must*
20 *reapply in order to again receive an overseas voter ballot.*

21 ~~(3) The provisions of Section 3206.~~

22 ~~(e)~~

1 (d) *The affidavits of registration mailed or delivered pursuant*
2 *to this section shall conform to Section 2157, except as modified*
3 *pursuant to regulations adopted by the Secretary of State to*
4 *reflect the requirements of this chapter.*

5 (e) Absent voter ballots mailed or delivered pursuant to this
6 section shall be modified pursuant to regulations adopted by the
7 Secretary of State so as to show only those offices for which the
8 overseas resident is entitled to vote.

9 (f) *This section shall remain in effect only until January 1,*
10 *2006, and as of that date is repealed, unless a later enacted*
11 *statute, that is enacted before January 1, 2006, deletes or extends*
12 *that date.*

13 SEC. 2. Section 3307 is added to the Elections Code, to read:

14 3307. (a) As soon as possible after the 60th day before the
15 federal election, the county elections official shall mail or deliver
16 a ballot to each person who has requested registration as an
17 overseas voter since the last regularly scheduled federal election.

18 (b) In addition to the requirements set forth in Section 3011,
19 the identification envelope shall contain the following:

20 (1) A declaration, under penalty of perjury, stating that the
21 voter has completed the ballot on or before the date of the
22 election.

23 (2) A notice plainly stamped or printed that the envelope
24 contains an overseas absentee ballot.

25 (c) If the overseas voter has not correctly completed and
26 returned a federal application for an absentee ballot or a special
27 affidavit of registration as an overseas voter since the last
28 regularly scheduled federal election the elections official shall
29 enclose an affidavit with the ballot.

30 (d) The overseas voter shall be informed of the following:

31 (1) That the affidavit must be correctly completed and
32 returned with the ballot in order for the vote to be tallied.

33 (2) That the voter's registration will be valid through the next
34 general election, and that the ballots for these elections will be
35 sent to the voter at the mailing address provided by the voter, but
36 that following the general election, the voter must reapply in
37 order to again receive an overseas voter ballot.

38 (e) The affidavits of registration mailed or delivered pursuant
39 to this section shall conform to Section 2157, except as modified

1 pursuant to regulations adopted by the Secretary of State to
2 reflect the requirements of this chapter.

3 (f) Absent voter ballots mailed or delivered pursuant to this
4 section shall be modified pursuant to regulations adopted by the
5 Secretary of State so as to show only those offices for which the
6 overseas resident is entitled to vote.

7 (g) This section shall become operative on January 1, 2006.

8 [PU (Enacted by Stats. 1994, Ch. 920, Sec. 2.) PU 01 AB 848
9 98]

10 SEC. 3. Section 3311 of the Elections Code is amended to
11 read:

12 3311. (a) All absentee ballots cast pursuant to this chapter
13 shall be received by the county elections official not later than 8
14 p.m. on the day of a federal election.

15 (b) *This section shall remain in effect only until January 1,*
16 *2006, and as of that date is repealed, unless a later enacted*
17 *statute, that is enacted before January 1, 2006, deletes or extends*
18 *that date.*

19 SEC. 4. Section 3311 is added to the Elections Code, to read:

20 3311. (a) Except as provided in subdivision (b), all absentee
21 ballots cast pursuant to this chapter shall be received by the
22 county elections official not later than 8 p.m. on the day of a
23 federal election.

24 (b) Absentee ballots of active military personnel stationed
25 overseas postmarked or signed and dated by the day of the
26 federal election shall be received by the county elections official
27 not later than 10 days after that federal election.

28 (c) This section shall become operative on January 1, 2006.

29 SEC. 5. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.